



**State of Utah**  
DEPARTMENT OF NATURAL RESOURCES  
DIVISION OF OIL, GAS AND MINING

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April 4, 1996

**CERTIFIED RETURN RECEIPT**  
**P 074 978 979**

Preston and William Bown  
Utah Building Stone Supply  
842 West 400 North  
West Bountiful, Utah 84087

Re: Permit Review Status, Lynn Springs Quarry, S/003/025, Box Elder County, Utah

Dear Messrs. Bown:

We are in receipt of your March 8, 1996, letter advising us that you wish to abandon the large mine permitting process for the Lynn Springs Quarry. You indicate that it is now your intention to scale back the size of your mining operation by reclaiming the excess surface disturbance down to five (5) or less acres, thus qualifying the site as a "small mine operation." In response to your request, we offer the following comments.

On July 5, 1994, the Division received a copy of your permit application for the Lynn Springs Quarry from the U.S. Forest Service. The Division processed the application as a small mine operation and by letter dated August 15, 1994, we notified you that the application was incomplete. We requested additional information to clarify the total disturbed acreage and the status of all roads. A September 25, 1994, inspection of the mine site identified 4.4 disturbed acres at the quarry area, which did not include the access road. Before the Forest Service could complete its Environmental Assessment (EA) of the proposed project area (and before we were able to make our small mine completeness determination), you expanded the operation to 5.75 disturbed acres at the quarry site.

When the Division became aware of this fact, and confirmed the unpermitted expansion (by an April 25, 1995 inspection), you were presented with two possible options to bring the site into compliance. One option was to submit a large mining notice of intention. The second option was to begin immediate reclamation of the excess acreage to reduce the disturbed acreage to less than five (5) acres. After missing an established June 23, 1995, deadline for responding to the Division's letter, you notified us that you wanted to reclaim a portion of the site. You stated that you had equipment on the site at that time to perform the necessary reclamation. We jointly established timeframes, which you agreed were reasonable, to complete the reclamation. These timeframes passed and subsequent field inspections showed that the reclamation work had not been performed. This resulted in the Division's issuance of a Notice of Non-Compliance.



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Mitigation of the Non-Compliance Notice required the submittal of a large mine notice and a \$17,500 interim reclamation surety by November 27, 1995. On November 27th, we called to remind you of the deadline. You subsequently telefaxed a request for a time extension to provide the required documents. An extension to December 11, 1995, was granted. When you hand delivered your Large Mining Notice of Intention on December 11th, you indicated you had located a surety company. You picked up the necessary forms from us for the interim reclamation surety at that time. On December 20, 1995, the Division sent you formal notification of a February 26, 1996, deadline to submit the interim surety.

Between February 26th and March 1, 1996, we tried to reach you several times by phone. We left voicemail messages requesting information about the status of the interim surety. You responded to our calls on March 1st, and another time extension was granted until March 6, 1996, to submit the interim surety. On March 5th you called and explained that your surety company could not provide us with the required surety by the March 6th deadline due to extenuating circumstances beyond your control. In good faith, we again agreed to extend the deadline to March 13, 1996, for receipt of a *draft* surety document. We also reduced the surety amount to \$11,500, based upon the Forest Service's recent reclamation cost estimate for the mine site. On March 11th we finalized our technical review document for the Lynn Springs large mining notice of intention. We did not mail it to you because we received your letter requesting that we terminate the large mine permitting process that same day. Your letter contained no discussion of the pending March 13, 1996, interim reclamation surety deadline.

The Division can only accept your decision to terminate the processing of your large mining permit application with certain conditions. Presently, your mining related disturbance exceeds 5 acres (current disturbance includes 5.75 acres of pits, work areas, and interconnecting roads at the quarry site, plus 2.18 acres of access road, for a total of 7.93 acres). Utah's Mined Land Reclamation Act (UCA 40-8-13 et. seq.) and the Minerals Reclamation Program Rules (R647-4 et. seq.) require mining operations in excess of 5 acres of disturbance to be approved and bonded, *before* beginning or expanding operations beyond 5 acres. It is the operator's responsibility to make sure that his activities are conducted in accordance with State mining law and that appropriate permits are applied for in a timely manner.

Based upon our knowledge of this site, the Division questions your ability to reclaim approximately three (3) acres at the quarry site and still have sufficient area to conduct your operations. Accordingly, we require that you provide written plans that demonstrate how you will reclaim at least 2.93 acres. This plan must include a map that clearly outlines the area(s) that will be reclaimed. The plan must also include a reasonable time frame for accomplishing each major step in the reclamation plan. The plan must be submitted to the Division no later than April 22, 1996. If you cannot demonstrate that the present site disturbance can be reduced to 5 acres or less, then the Division will require that this site be permitted as a large mining operation.

By this letter, the Division orders you to cease all mining activities at this site until the requisite reclamation work is completed and, in addition, you must post an interim reclamation surety to cover the 2.93 acres of disturbance that presently exceeds the 5 acre threshold for a small mining operation. The Division hereby establishes a revised interim surety amount of \$4400. This reclamation surety must be posted with the Division no later than April 26, 1996. This surety will be retained by the Division until the recontouring work is completed and the revegetation efforts are determined successful. In the future,

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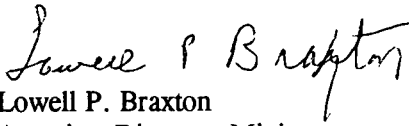
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should you choose to expand beyond the 5 acre threshold, you will need to obtain Division approval of a large mining operation notice of intention (and reclamation surety), before any mine expansion occurs. This will include development of your proposed mill site.

Please call me, Wayne Hedberg or Lynn Kunzler of the Minerals staff, if you have any questions in this regard. If you choose to reconsider your decision regarding the processing of your large mining permit application, please let us know before the April 22, 1996 deadline.

Sincerely,

  
Lowell P. Braxton  
Associate Director, Mining

jb.

cc: Gordon Struthers, USFS  
Minerals staff (route)

lynnspr.let